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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

No. 1:20-cv-01787-SKO

STIPULATION AND ORDER FOR EXTENSION  
TO FILE OPPOSITION TO PLAINTIFF'S  
OPENING BRIEF

(Doc. 17)

DANIEL RICHARD HOGAN,  
Plaintiff,  
v.  
KILOLO KIJAKAZI,<sup>1</sup>  
Acting Commissioner of Social Security,  
Defendant.

The parties stipulate through counsel that Defendant, the Commissioner of Social Security (the "Commissioner"), shall have an extension of time to file his opposition to Plaintiff's opening brief in this case. In support of this request, the Commissioner respectfully states as follows:

1. Primary responsibility for handling this case has been delegated to the Office of the Regional Chief Counsel, Region IX, in San Francisco, California (the "Region IX Office").

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<sup>1</sup> Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1       2.     Defendant's response to Plaintiff's opening brief is currently due October 7, 2021.

2     This is Defendant's first request for an extension.

3       3.     The Region IX Office currently handles all district and circuit court litigation  
4 involving the Social Security program arising in Arizona, California, Hawai'i, Nevada, and  
5 Guam. The Region IX Office also provides a full range of legal services as counsel for the Social  
6 Security Administration, in a region that covers four states (including the most populous state in  
7 the nation) and three territories. These other workloads include employment litigation; civil  
8 rights investigations; bankruptcy matters; and requests for legal advice on wide-ranging topics,  
9 including employee conduct and performance, reasonable accommodation, hostile work  
10 environment, ethics, Privacy Act and disclosure, torts, property, and contracts.

11      4.     The undersigned attorney has 22 briefs due in district court cases over the next 30  
12 days, including six briefs due on October 7, 2021, as well as additional non-briefing work. An  
13 ordinary volume of district court merits briefs for the undersigned would be five to eight briefs  
14 per month in addition to non-briefing work. As such, the current volume of merits brief deadlines  
15 is two to three times what is normal.

16      5.     Due to the volume of the overall workload within the Region IX Office, neither the  
17 undersigned attorney nor another attorney in the Region IX Office anticipate being able to  
18 complete briefing by the current due date of October 7, 2021. Therefore, Defendant seeks an  
19 extension of 32 days, until November 8, 2021 to respond to Plaintiff's opening brief.

20      6.     This request is made in good faith and is not intended to delay the proceedings in  
21 this matter.

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1 WHEREFORE, Defendant requests until November 8, 2021, to file her opposition to  
2 Plaintiff's opening brief.

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4 Respectfully submitted,

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6 DATE: September 24, 2021 /s/\_ *Jonathan Omar Pena\**  
7 JONATHAN OMAR PENA  
8 Attorney for Plaintiff  
(\* approved via email on 9/24/21)

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10 DATE: September 24, 2021 By PHILLIP A. TALBERT  
11 Acting United States Attorney  
*s/ Marcelo Illarmo*  
MARCELO ILLARMO  
Special Assistant United States Attorney  
12 Attorneys for Defendant

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14 ORDER

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16 Pursuant to the parties' above stipulation (Doc. 17), and for good cause shown,  
17 IT IS HEREBY ORDERED that Defendant shall have an extension, up to and including November  
18 8, 2021, to file her response to Plaintiff's opening brief. All other dates in the Scheduling Order  
19 (Doc. 13) shall be extended accordingly.

20 IT IS SO ORDERED.

21 Dated: September 30, 2021

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE